

Robert Hamilton, OSB #012730
Assistant Federal Public Defender
Email: robert_hamilton@fd.org
101 S.W. Main Street, Suite 1700
Portland, Oregon 97204
Tel: (503) 326-2123

Attorney for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA,

Case No. 3:24-cr-00383-AN-1

Plaintiff,

v.

RAMIREZ DUMITRU,

Defendant.

MOTION FOR AND MEMORANDUM IN
SUPPORT OF RELEASE

Ramirez Dumitru, through counsel Robert Hamilton, hereby moves this Court for release and submits this Memorandum in Support of Release.

Mr. Dumitru has been charged in this case with one count of conspiracy to defraud the United States, in violation of 18 U.S.C. § 371 (Count 1), and one count of unauthorized use of access devices, in violation of 18 U.S.C. § 1029(a)(2) (Count 2). At his first appearance on October 23, 2024, Mr. Dumitru was ordered detained as a flight risk. ECF 45. The only box marked on the flight risk section was for “Foreign citizenship and/or illegal alien.” Mr. Dumitru now seeks release under a new plan which did not exist at the time of the initial hearing. The plan is to release Mr. Dumitru to a third party, Doru Moise, who’s information will be confirmed through the pretrial

officer. Mr. Moise is a naturalized U.S. citizen who has been in the U.S. for 37 years. He and his wife have lived in the same home in Riverside, California, for the last 18 years. He is a pastor at the Romanian church and he works with the Romanian consulate assisting new arrivals with cultural acclimation, and he also has a Service Master franchise in Hood River, OR, which does fire and water damage restoration.

1. Release Standard

The charges against Mr. Dumitru do not fall within 18 U.S.C. § 3142(f)(1), and therefore the government or court can only move for detention based on “a serious risk that such person will flee” or a “serious risk” the person will obstruct justice or intimidate a witness. *See* 18 U.S.C. § 3142(f)(2). In determining whether there are conditions which will “reasonably assure the appearance of the person,” 18 U.S.C. § 3142((c)(2)(B), the court is directed to consider the nature and circumstances of the offense, the weight of the evidence against the person, and the history and characteristics of the person. A release “hearing may be reopened, before or after a determination by the judicial officer, at any time before trial if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community.” 18 U.S.C. § 3142(f)(2).

2. The October 23 hearing

A large number of individuals in this case made their first appearance on October 23, 2024. The government filed a motion requesting pretrial detention for 7 of the 10 defendants appearing that day. ECF 41. At the first appearance, due to time constraints, Pretrial made an oral report to the Court recommending release but did not have time to complete a written report. ECF 89 at 6

(Transcript of October 23, 2024, hearing). Pretrial recommended releasing Dumitru back to the apartment he was living at with numerous family members, immediate and extended. The government also made objections on the record, emphasizing his lack of a long-term community ties in Oregon, the fact that he was living with other family some of whom are charged in a companion state case, and lack of stable employment along with the circumstances of the offense.

Id. at 7-12.

In denying release, the Court stated:

I am going to enter an order of detention pending trial based on danger to the community and risk of flight [this was later modified to detention based only on risk of flight]. If pretrial has an opportunity to do more research and verification and you come up with additional or different information, you're welcome to return to the Court.

Id. at 16-17.

3. New Information With Material Bearing on Issue of Conditions of Release

Since Mr. Dumitru's October 23 hearing, Doru Moise, a family friend of Mr. Dumitru's extended family, has come forward and offered Mr. Dumitru, his partner, and their three children to stay at his home in Riverside, California. Mr. Moise is a naturalized U.S. Citizen who has been in the U.S. for 37 years and in his current home for 18 years. He lives there with his wife and has plenty of space for Mr. Dumitru and his family. Mr. Moise is a pastor at the Romani Church and he works with the Romanian consulate in helping recent Romanian arrivals culturally acclimate. He also owns a Service Master franchise in Hood River that specializes in fire and water damage restoration. Mr. Moise understands that Mr. Dumitru does not have a work permit and will be limited in his work opportunities but has agreed to help support Mr. Dumitru's family through this time period. Mr. Moise has also stated that getting Mr. Dumitru and his family to the Riverside home will not be a problem.

4. Consideration of Release Factors

Nature and Circumstances of Offense

As the government has explained, the alleged conspiracy involves individuals obtaining SNAP benefit account numbers and using that information to purchase items like baby formula and energy drinks which is then resold. The government estimates the entire conspiracy has stolen \$2.4 million in SNAP benefits between August 2023 and the present. Specific to Mr. Dumitru, he is alleged to have engaged in 240 transactions (i.e., purchases using unauthorized SNAP accounts) between August 7, 2023, and March 14, 2024, totaling approximately \$46,000. ECF 1, ¶ 70. Only four of the numerous overt acts are attributed to Mr. Dumitru, three of which are specific instances of such purchases on September 18, 2023, December 7, 2023, and February 2, 2024. ECF 1, ¶¶ 37-39. The fourth overt act is that Mr. Dumitru is alleged to have been in possession of a skimming device and account numbers when his residence was searched on May 24, 2024. ECF 1, ¶ 40. Mr. Dumitru is not charged with repackaging or transporting stolen goods across state lines.

Mr. Dumitru is one of a large number of individuals involved in this federal fraud case. In addition, there appears to be a companion state case with a number of other individuals. The conspiracy had different components and from the allegations in the Indictment Mr. Dumitru is alleged to have been involved in the purchase of goods with unauthorized Snap account numbers. The conspiracy did involve violence, firearms, or drugs. The 3142 release factors instruct the Court to balance risks of release, in this type of case risk of non-appearance, with the nature and seriousness of the alleged offense. While this is not meant to minimize the seriousness of any federal charge, the reality is that these charges are on the lesser end in terms of gravity and seriousness.

History and Characteristics of the Person

Although Mr. Dumitru does not have legal status, he has been with his partner Alesandra Nedelica for over 6 years, and the two have three U.S. citizen children together, the oldest born in 2019 in Florida. His son was born in Oregon only about a month ago and has been suffering health issues related to a heart defect.

Mr. Dumitru came to the United States, arriving in Baltimore, in late 2018. He lived in Florida between 2019-2022 and it is where his two oldest children were born. Between 2022 and 2024, his family lived back and forth between California and Oregon before ending up in Oregon in mid-2024. His parents, who are separated, and other extended family, all live in the United States. His mother and two sisters live with him, Nedelica, and their three children.

Mr. Dumitru has no criminal history. There are no allegations of violence, firearms, or drugs. He has no history of drug use or mental health issues.

5. Argument For Release

Mr. Dumitru understands the Court's hesitancy with his originally proposed release plan but he respectfully asks the Court to consider his release under the newly proposed plan which has become available. Mr. Moise has long term ties to Riverside, California, is deeply involved with the Romani community through his church and the Romanian consulate, and will offer a positive and stable place for Mr. Dumitru and his family where Mr. Dumitru will be able to help care for his newborn son. The conditions proposed by Pretrial at the previous hearing (ECF 89 at 7), with the addition of a condition that Mr. Dumitru reside with Mr. Moise, will reasonably assure Mr. Dumitru's appearance in this matter after consideration of the 3142 factors.

Submitted this 28th day of October 28, 2024, in Portland, Oregon.

/s/ Robert Hamilton
Robert Hamilton, OSB #012730